

**THIRTY-EIGHTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 16, 2005**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Representative Lake.

The Pledge of Allegiance was led by Chandi Hall, Page.

Approval of Journal

February 16, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-seventh Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO

CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that Steve Smylie, State Representative, District 15, House Seat A, Ada County, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated Blas Telleria, of Boise, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, DIRK A. KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint Blas Telleria, Acting State Representative, District 15, House Seat A, Ada County, State of Idaho, for a term commencing on Wednesday, February 16, 2005, and continuing until the incumbent shall resume the performance of the duties or a vacancy occurs in such office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this 15th day of February in the year of our Lord two thousand and five, and of the Independence of the United States of America, the two hundred and twenty-ninth year.

/s/ DIRK A. KEMPTHORNE
Governor
/s/ BEN YSURSA

Secretary of State

The Certificate of Appointment was ordered filed in the Office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Mr. Telleria.

February 15, 2005

Mr. Speaker:

I transmit herewith **SCR 108** which has passed the Senate.

WOOD, Secretary

SCR 108 was filed for first reading.

Report of Standing Committees

February 16, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 217**, **H 218**, **H 219**, **H 220**, and **H 221**.

FIELD(18), Chairman

H 217 was referred to the Education Committee.

H 218, **H 219**, **H 220**, and **H 221** were referred to the State Affairs Committee.

February 16, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 25**, **H 21**, **H 27**, and **H 28**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 25**, **H 21**, **H 27**, and **H 28**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 16, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 2** to the Governor at 12 p.m., as of this date, February 15, 2005.

FIELD(18), Chairman

February 15, 2005

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **H 67** and **H 70** and recommend that they do pass.

STEVENSON, Chairman

H 67 and **H 70** were filed for second reading.

February 15, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 78, H 79, H 80, H 81, H 82, and H 131** and recommend that they do pass.

FIELD(18), Chairman

H 78, H 79, H 80, H 81, H 82, and H 131 were filed for second reading.

February 15, 2005

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 111, H 112, H 113, H 114, H 115, H 116, H 121, and H 122** and recommend that they do pass.

BLACK, Chairman

H 111, H 112, H 113, H 114, H 115, H 116, H 121, and H 122 were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 16 BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE ON ENVIRONMENT, ENERGY AND TECHNOLOGY.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, there were numerous bills introduced in Congress from 1996 through 2004 which would have provided for the restructuring of the electric utility and energy industries in this country; and

WHEREAS, Idaho currently enjoys low electric rates compared to the rest of the nation, mainly because of our hydropower base; and

WHEREAS, while there may be some benefits to a competitive electric utility industry, there have been some large unintended consequences to the ratepayers and the citizens of the state given the California energy crisis and the Enron collapse; and

WHEREAS, on July 31, 2002, the Federal Energy Regulatory Commission announced a series of broad proposals to reform the wholesale power generation, trading and transmission markets known as Standard Market Design; and

WHEREAS, the Standard Market Design proposal has been repudiated and is opposed in most southern and western states and fails to recognize the distinct nature of the Northwest electricity grid, including the significant reliance on coordinated hydro operations that are subject to various nonpower obligations; and

WHEREAS, Idaho's water rights system is a complex system of management, and electric utility restructuring or the Standard Market Design rules could affect demand loads and river flows

and have some large unintended consequences if not managed properly.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a Committee to undertake and complete a study of environment, energy and technology related issues from both the statewide perspective and the national perspective. The Committee is directed to involve representatives of industry, agricultural groups, small businesses, consumers of electricity and conservation interests. The Committee is also authorized to retain the services of a consultant, within appropriated moneys, who is familiar with the energy and technology industry and who can provide necessary economic or other research that can assist the Committee and the Legislature in making an informed decision on this most important topic.

BE IT FURTHER RESOLVED that the Committee shall make a progress report to the Second Regular Session of the Fifty-eighth Idaho Legislature and shall make a report detailing its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Fifty-ninth Idaho Legislature.

HCR 16 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

SCR 108, by State Affairs Committee, was introduced, read the first time by title, and referred to the Ways and Means Committee.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 222 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO PUBLIC RECORDS; AMENDING SECTION 9-340D, IDAHO CODE, TO PROVIDE THAT RECORDS OF A COUNTY ASSESSOR CONTAINING INFORMATION SHOWING THE INCOME AND EXPENSES OF A TAXPAYER, WHICH INFORMATION WAS PROVIDED TO THE ASSESSOR BY THE TAXPAYER TO PERMIT THE ASSESSOR TO DETERMINE THE VALUE OF PROPERTY OF THE TAXPAYER, SHALL BE EXEMPT FROM DISCLOSURE AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 223 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO ELECTION OF COUNTY SHERIFFS; AMENDING SECTION 34-618, IDAHO CODE, TO PROVIDE THAT WHEN A COUNTY DEPUTY SHERIFF OR JAILER HAS FILED A DECLARATION OF CANDIDACY FOR THE POSITION OF COUNTY SHERIFF IN THE SAME COUNTY WHERE HE OR SHE IS EMPLOYED AS A COUNTY DEPUTY SHERIFF OR JAILER AND WHERE THE COUNTY SHERIFF HAS FILED HIS OR HER DECLARATION OF

CANDIDACY FOR REELECTION TO THE POSITION OF COUNTY SHERIFF, THE COUNTY DEPUTY SHERIFF OR JAILER SHALL TAKE A LEAVE OF ABSENCE FROM HIS OR HER COUNTY POSITION ON THE DAY FOLLOWING THE LAST DAY TO DECLARE CANDIDACY AND TO PROVIDE FOR REINSTATEMENT AFTER THE PRIMARY OR GENERAL ELECTION WHEN THE PERSON IS NO LONGER A CANDIDATE FOR THE OFFICE AGAINST AN INCUMBENT SHERIFF.

HOUSE BILL NO. 224
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO TELECOMMUNICATION REGULATION; AMENDING SECTION 62-604, IDAHO CODE, TO AUTHORIZE A TELEPHONE CORPORATION TO ELECT TO HAVE ALL OR PART OF ITS TELECOMMUNICATION SERVICES EXCLUDED FROM REGULATION PURSUANT TO TITLE 61, IDAHO CODE, AND TO BE THEREAFTER SUBJECT TO REGULATION PURSUANT TO CHAPTER 6, TITLE 62, IDAHO CODE, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 62-605, IDAHO CODE, TO REVISE THE PROCEDURE FOR THE NOTICE OF ELECTION, TO AUTHORIZE THE PUBLIC UTILITIES COMMISSION TO REGULATE TELEPHONE CORPORATIONS FOR THE PURPOSE OF IMPLEMENTING THE FEDERAL COMMUNICATIONS ACT OF 1996, TO PROVIDE THE PUBLIC UTILITIES COMMISSION WITH CONTINUING AUTHORITY TO DETERMINE NONECONOMIC REGULATORY REQUIREMENTS FOR TELEPHONE CORPORATIONS PROVIDING BASIC LOCAL EXCHANGE SERVICE, PROHIBITING CERTAIN RATE INCREASES FOR BASIC LOCAL EXCHANGE SERVICE DURING THE PERIOD OF THREE YEARS FOLLOWING THE EFFECTIVE DATE OF THE ELECTION, TO AUTHORIZE THE PUBLIC UTILITIES COMMISSION TO EXTEND THE TRANSITION PERIOD FOR TWO ADDITIONAL YEARS AND TO ESTABLISH THE RATES FOR BASIC LOCAL EXCHANGE SERVICE TO BE USED TO DETERMINE ELIGIBILITY OF CERTAIN TELEPHONE CORPORATIONS TO DRAW FUNDS FROM THE STATE UNIVERSAL SERVICE FUND; AMENDING CHAPTER 6, TITLE 62, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 62-607A, IDAHO CODE, TO PROHIBIT A TELEPHONE CORPORATION FROM REQUIRING A BASIC LOCAL EXCHANGE SERVICE CUSTOMER, AS A CONDITION OF RECEIVING BASIC LOCAL EXCHANGE SERVICE, TO PURCHASE OR SUBSCRIBE TO TELECOMMUNICATION SERVICES OTHER THAN BASIC LOCAL EXCHANGE SERVICES, TO PROHIBIT ANY INCREASE IN THE STAND-ALONE BASIC LOCAL EXCHANGE SERVICE RATE TO AN AMOUNT THAT IS HIGHER THAN THE RATE FOR SUCH SERVICE FOR BASIC LOCAL EXCHANGE CUSTOMERS IN THE LOCAL EXCHANGE CALLING AREA HAVING THE HIGHEST NUMBER OF BASIC LOCAL EXCHANGE CUSTOMERS SERVED BY THE TELEPHONE CORPORATION AND TO DEFINE "STAND-ALONE BASIC LOCAL EXCHANGE RATE"; AMENDING CHAPTER 6,

TITLE 62, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 62-616A, IDAHO CODE, TO PROVIDE FOR THE DUTY OF A TELEPHONE CORPORATION TO CUSTOMERS RELATING TO UNAUTHORIZED CHARGES BY A THIRD-PARTY SERVICE PROVIDER; AMENDING SECTION 62-617, IDAHO CODE, TO PROVIDE AN EXCEPTION TO THE EXEMPTION FROM THE ANTITRUST LIABILITY OF A TELEPHONE CORPORATION; AND AMENDING CHAPTER 6, TITLE 62, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 62-622A, IDAHO CODE, TO PROVIDE PUBLIC UTILITY COMMISSION AUTHORITY TO ESTABLISH A MINIMUM PRICE FOR BASIC LOCAL EXCHANGE SERVICE UPON COMPLAINT BY ANOTHER TELEPHONE CORPORATION RELATING TO BELOW VARIABLE COST PRICING FOR SUCH SERVICES BY TELEPHONE CORPORATIONS NOT SUBJECT TO TITLE 61, IDAHO CODE.

HOUSE BILL NO. 225
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO VETERANS; AMENDING SECTION 65-505, IDAHO CODE, TO STRIKE CERTAIN LIMITATIONS ON DAMAGES, COSTS OF SUIT AND ATTORNEY'S FEES RELATING TO THE VIOLATIONS INVOLVING THE PREFERENCE TO BE GIVEN VETERANS BY PUBLIC EMPLOYERS AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 226
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO THE DIVISION OF VETERANS SERVICES; AMENDING SECTION 66-1106, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF VETERANS SERVICES FUND AND TO DELETE THE VETERANS HOME FUND AS PART OF DISTRIBUTION OF MONEYS FROM THE CHARITABLE INSTITUTIONS FUND; AND AMENDING SECTION 66-1107, IDAHO CODE, TO PROVIDE THAT THE DIVISION OF VETERANS SERVICES RATHER THAN THE IDAHO STATE VETERANS HOMES SHALL BE A BENEFICIARY OF THE CHARITABLE INSTITUTIONS LAND GRANT AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 227
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO THE DIVISION OF VETERANS SERVICES; AMENDING SECTION 67-107, IDAHO CODE, TO DELETE LANGUAGE REGARDING BENEFITS PAID BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS FOR BURIAL AND PLOT ALLOWANCE FROM THE VETERANS CEMETERY MAINTENANCE FUND; AND AMENDING SECTION 65-202, IDAHO CODE, TO DELETE LANGUAGE REQUIRING THE ADMINISTRATOR OF THE DIVISION OF VETERANS SERVICES TO CAUSE BENEFITS FROM THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS FOR BURIAL AND PLOT

ALLOWANCE TO BE DEPOSITED IN THE VETERANS CEMETERY MAINTENANCE FUND.

HOUSE BILL NO. 228
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO TELECOMMUNICATIONS; AMENDING CHAPTER 6, TITLE 62, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 62-625, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE A TERM, TO PROVIDE AUTHORITY TO THE PUBLIC UTILITIES COMMISSION TO ESTABLISH BY RULE MINIMUM TELECOMMUNICATIONS SERVICE QUALITY STANDARDS, TO AUTHORIZE THE COMMISSION TO ESTABLISH BY RULE REPORTING PROCEDURES AND DETERMINE CIRCUMSTANCES WHEN THE SERVICE QUALITY STANDARDS SHOULD NOT APPLY AND TO AUTHORIZE THE COMMISSION TO ASSESS ADMINISTRATIVE PENALTIES BY RULE FOR FAILURE TO MEET MINIMUM TELECOMMUNICATIONS SERVICE QUALITY STANDARDS.

HOUSE BILL NO. 229
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO POWERS OF THE PARK AND RECREATION BOARD; AMENDING SECTION 67-4223, IDAHO CODE, TO AUTHORIZE THE BOARD TO PROVIDE FOR A REDUCTION OF NO MORE THAN FIFTY PERCENT OF THE FEE CHARGED FOR RECREATIONAL VEHICLE CAMPING, EFFECTIVE MONDAY NIGHT THROUGH THURSDAY NIGHT, FOR ANY SENIOR CITIZEN WHO POSSESSES A VALID FEDERAL "GOLDEN AGE PASSPORT" OR WHO POSSESSES A SPECIAL PARK PASS ISSUED BY ANY STATE WHICH SIMILARLY RECOGNIZES SENIOR CITIZENS AND TO MAKE TECHNICAL CHANGES.

HOUSE BILL NO. 230
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO AIR QUALITY; PROVIDING A STATEMENT OF LEGISLATIVE INTENT; AMENDING SECTION 39-115, IDAHO CODE, TO REVISE PERMIT REQUIREMENTS FOR ANY MAJOR OR MINOR AIR POLLUTION SOURCE IN IDAHO, TO PROVIDE RULES, TO PROVIDE STRINGENCY, TO DEFINE TERMS AND TO PROVIDE APPLICATION TO FUGITIVE EMISSIONS.

H 222, H 223, H 224, H 225, H 226, H 227, H 228, H 229, and **H 230** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

HCR 13 and **HCR 14**, by Business Committee, were read the second time by title and filed for third reading.

H 103, by Local Government Committee, was read the second time by title and filed for third reading.

H 34, H 36, H 37, and **H 38**, by Agricultural Affairs Committee, were read the second time by title and filed for third reading.

H 56, HCR 11, H 144, H 102, and **H 146**, by Transportation and Defense Committee, were read the second time by title and filed for third reading.

H 50, H 45, H 42, and **H 43**, by Health and Welfare Committee, were read the second time by title and filed for third reading.

H 143, by Environment, Energy, and Technology Committee, was read the second time by title and filed for third reading.

H 126, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

There being no objection, the House advanced to the Twelfth Order of Business.

Consideration of General Orders

Mr. Denney moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Ms. Jaquet. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Moyle in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

February 16, 2005

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration **H 1, H 49, H 63, H 85,** and **H 145** and report them back without recommendation, amended as follows:

HOUSE AMENDMENT TO H 1

AMENDMENT TO SECTION 1

On page 2 of the printed bill, delete line 9 and insert:

"(3) The provisions of this subsection (d) do not apply to any sale, transfer, furnishing or receipt of any drug that contains pseudoephedrine or its salts, isomers or salts of isomers if the compound, mixture or preparation is in liquid, liquid capsule, or gel capsule form. The board may remove a product, mixture or

preparation from the".

HOUSE AMENDMENT TO H 49

AMENDMENT TO SECTION 2

On page 2 of the printed bill, delete lines 13 and 14 and insert: "including a defense and indemnification against any claims brought against the employee in the employee's individual capacity when the claims are related to the course and scope of employment, and be responsible for the payment of any".

CORRECTION TO TITLE

On page 1, delete lines 4 and 5 and insert: "VIDE THAT A GOVERNMENTAL ENTITY SHALL PROVIDE A DEFENSE AND INDEMNIFICATION AGAINST ANY CLAIMS BROUGHT AGAINST AN EMPLOYEE IN THE EMPLOYEE'S INDIVIDUAL CAPACITY WHEN THE CLAIMS ARE RELATED TO THE COURSE AND SCOPE OF EMPLOYMENT AND TO".

HOUSE AMENDMENT TO H 63

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, delete lines 21, 22 and 23 and insert:

"(4) "Employment," in the case of private employers, ~~includes employment only in a trade or occupation which is carried on by the employer for the sake of pecuniary gain and also includes any of the pursuits".~~

HOUSE AMENDMENT TO H 85

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 13 following "and" insert: "a financial summary of"; and also in line 13, following "licensees" insert: "subject to section 54-2508, Idaho Code, and organizations of licensees defined in section 54-2502(3), Idaho Code".

HOUSE AMENDMENT TO H 145

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, delete lines 31 through 33 and insert: "straints that affect individual enterprises and communities."; and on page 4, in line 19 following "basis" insert: ", nor shall it be interpreted as applying to the best management practices of the Idaho forest practices act".

AMENDMENT TO SECTION 2

On page 5, in line 47 following "basis" insert: ", nor shall it be interpreted as applying to the best management practices of the Idaho forest practices act".

MOYLE, Chairman

Mr. Moyle moved that the report be adopted. Seconded by Mr. Denney.

Whereupon the Speaker declared the report adopted.

H 1, as amended, **H 49**, as amended, **H 63**, as amended, **H 85**, as amended, and **H 145**, as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

Mr. Denney asked unanimous consent that **HJM 2** be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

HJM 2 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Skippen to open debate.

The question being, "Shall **HJM 2** be adopted?"

Whereupon the Speaker declared **HJM 2** adopted by voice vote and ordered the memorial transmitted to the Senate.

Mr. Denney asked unanimous consent that **HP 1** be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

HP 1 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

The question being, "Shall **HP 1** be adopted?"

Whereupon the Speaker declared **HP 1** adopted by voice vote and ordered the proclamation filed in the Office of the Chief Clerk.

H 62 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ringo to open debate.

The question being, "Shall **H 62** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini,

Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie(Telleria), Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- Bradford. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 62** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 64 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Schaefer to open debate.

The question being, "Shall **H 64** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie(Telleria), Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 70.

Whereupon the Speaker declared **H 64** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Thursday, February 17, 2005. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:11 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk